IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 8547 of 2004

Between:

Mohd.Taqiuddin, S/o.Mohd.Shabuddin,
R/o.17-1-182/77/A/B, Bhanunagar,
Madannapet, Hyderabad.

..... PETITIONER

AND

The Regional Passport Officer,
SECUNDERABAD.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of *Writ of Mandamus* declaring the action of the respondent in not correcting the petitioner date of birth as 3-6-1984 in pass port bearing No. E 0637311 instead 3-6-1980 as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent to correct the date of birth of the petitioner as 3-6-1984 instead of 3-6-1980 in pass port bearing No. E 0637311.

Counsel for the Petitioner: MR.SREENIVASA RAO VELIVELA

Counsel for the Respondent: MR.ARAJASHEKAR REDDY (SC FOR Central Government)

The Court made the following:

ORDER:

Heard both sides.

This writ petition is filed seeking a declaration that the action of the respondent in not correcting the date of birth of the petitioner as 03.06.1984 in pass port bearing No.E-0637311 instead 03.06.1980 as arbitrary and illegal.

The petitioner states that he obtained passport on 22-12-2001 in which his date of birth, by mistake, was wrongly mentioned as 03-06-1980 instead of 03-06-1984. It is further stated that as per the date of birth certificate issued by the Registrar of Births and Deaths, Circle-I, Municipal Corporation of Hyderabad as well as the Secondary School Certificate issued by the Board of Secondary Education, Hyderabad, his date of birth as 03-06-1984, however, by mistake, a wrong entry was made in the passport is 03-06-1980. In the circumstances, he approached the respondent seeking correction of date of birth in the passport. However, the respondent refused to take any action. Hence, this writ petition.

As held by this Court in a judgment in **Mohammad Dilawar Shariff v. Union of India, represented by its Secretary, Ministry of External Affairs, New Delhi and another** correction of Date of Birth in the passport once issued is not permissible. However, it is to be noted that subsequently, the Government of India, Ministry of External Affairs has issued a circular dated 18-04-2001, under which it is now permissible for the Regional Passport Officer to affect the corrections under certain circumstances specified under the circular.

In the circumstances, the writ petition is disposed of granting liberty to the petitioner to make an appropriate application together with the material to substantiate his correct date of birth within two weeks from today, in which event, the respondent shall consider the same in terms of the circular dated 18-04-2001 and pass appropriate orders in accordance with law within a period of four weeks thereafter.

Accordingly, the writ petition is disposed of. No costs.

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(G. ROHINI,J)

Date: 03.12.2004

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Passport Officer,
SECUNDERABAD.

2. Two C.D. copies